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UNITED STATES DISTRICT COURT
Western District of Massachusetts

U.S. DISTRICT COURT
WESTERN DISTRICT OF MASSACHUSETTS

KEITH BRIAN ASKINS

Plaintiff

V.

WILLIAM C. WERNICKI TRUCKING

Defendant

Civil Action No.: 04-30178-KPN

DEFENDANT WILLIAM C. WERNICKI
TRUCKING'S MOTION TO COMPEL
ANSWERS TO INTERROGATORIES
AND THE PRODUCTION OF
DOCUMENTS

The defendant William C. Wernicki Trucking pursuant to Rule 37(a) of the Federal Rules of Civil Procedure and LR, D. Mass. 37.1 files this Motion to Compel Answers to Interrogatories, Production of Documents and for sanctions and respectfully shows:

1. The moving party filed interrogatories and request for production of documents to Keith Brian Askins on January 19, 2005. Pursuant to the Federal Rules of Civil Procedure, the time for answering these interrogatories and for producing documents expired on February 19, 2005. The plaintiff, Keith Brian Askins has failed to answer said interrogatories and to produce the requested documents. No objections have been filed and the plaintiff has refused to answer and to produce said documents so that a Motion to Compel should be granted under Federal Rule of Civil Procedure 37(a)(2)(B). Furthermore, the moving party is entitled to recover its

Counsel for William C. Wernicki Trucking certifies that, prior to filing this Motion he complied with the provisions of LR D. Mass. Rule 37.1.

reasonable expenses and attorneys fees incurred in making this Motion and seeks to recover these fees and expenses from both Keith Brian Askins and his counsel of record as authorized by Rule 37(a)(4)(A).

WHEREFORE, the defendant moves that this Court:

1. Order Keith Brian Askins to answer immediately the interrogatories and to produce immediately the documents requested or his cause of action will be dismissed;
2. To award reasonable expenses and attorneys fees incurred in connection with the plaintiff's refusal to answer the interrogatories and to produce documents requested.

ATTORNEY FOR THE DEFENDANT,
William C. Wernicki Trucking

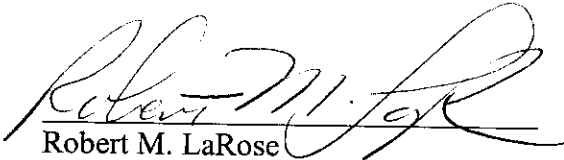


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CERTIFICATE OF SERVICE

I, Robert M. LaRose, Esq., do hereby certify that a copy of this Motion to Compel Answer to Interrogatories and the Production of Documents has been sent to the following counsel of record via first class mail on April 21, 2005, as follows:

Barry E. O'Connor, Esq
293 Bridge Street, Suite 326
Springfield, MA 11103


Robert M. LaRose